

Appl. No. 10/730,592
Atty. Docket No. CM2574C
Amdt. dated 01/12/2005
Reply to Office Action of 10/12/2004
Customer No. 27752

REMARKS

Claim Status

Claims 1-13 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. Support for this amendment is found throughout the specification and claims as originally filed.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over Kim

Claims 1-9 have been rejected under 35 USC §103(a) as being unpatentable over US Patent 5,505,956 to Kim et al (hereinafter "Kim"). Specifically, the Office Action states that Kim teaches transdermal patches containing several layers in which the adhesive layers have different water absorption capacities and the backing layer is water impermeable. The adhesive is a polyacrylate and the patch further contains polyols to control water absorption in the adhesive layers.

The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended claim 1, from which the balance of the aforementioned claims ultimately depend, to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. Support for the present amendments is found throughout the specification and claims as originally filed. Specifically, the Applicants have amended claim to remove polyacrylates from the list of thermoplastic polymers suitable for use in the context of the present invention. In light of the present amendments, the Applicants respectfully submit and strongly urge that Kim neither teaches nor suggests a moisture vapour permeable, liquid impermeable, multiplayer structure, comprising at least a moisture vapour permeable, liquid impermeable first layer and at least a moisture vapour permeable, liquid impermeable second layer, said second layer comprising a thermoplastic polymer selected from the group now recited by amended claim 1. Rather, Kim is limited entirely to the use of polyacrylate compounds. Accordingly, reconsideration and withdrawal of the rejection to claims 1-9 under 35 USC 103(a) are respectfully requested.

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Rejection Under 35 USC §103(a) Over Horn In View of Kim

Claims 1-13 have been rejected under 35 USC §103(a) as being unpatentable over US Patent 5,447,783 to Horn et al (hereinafter "Horn") in view of Kim. Specifically, the Office Action states that it would have been obvious to a person of ordinary skill in the art to employ the polyols of Kim as absorption regulators in the layers of Horn in order to better control the properties of the overall film.

The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended claim 1, from which the balance of the rejected claims ultimately depend, to particularly point out and distinctly claim the subject matter that the Applicants regard as their invention. Support for the present amendments is found throughout the specification and claims as originally filed. Specifically, the Applicants have amended claim to remove poly-ether-ester from the list of thermoplastic polymers suitable for use in the context of the present invention. In light of the present amendments, the Applicants respectfully submit and strongly urge that Horn in view of Kim neither teach nor suggest a moisture vapour permeable, liquid impermeable, multiplayer structure, comprising at least a moisture vapour permeable, liquid impermeable first layer and at least a moisture vapour permeable, liquid impermeable second layer, said second layer comprising a thermoplastic polymer selected from the group now recited by amended claim 1. Rather, the disclosure of Horn is limited entirely to the use of poly-ether-ester copolymers, and the disclosure of Kim is limited to the use of polyacrylate compounds. Accordingly, reconsideration and withdrawal of the rejection to claims 1-13 under 35 USC 103(a) are respectfully requested.

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Conclusion

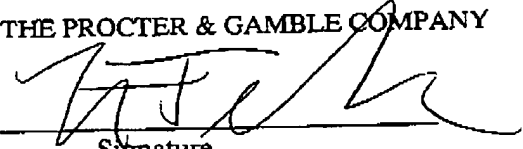
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-13 are respectfully requested.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

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